

MARK J. BENNETT 2672
Attorney General of Hawaii

J. GERARD LAM 5326
Deputy Attorney General
Department of Attorney
General, State of Hawaii
Labor Division
425 Queen Street
Honolulu, Hawaii 96813
Telephone: 586-1450

'03 APR -9 3:245

HAWAII
LABOR RELATIONS BOARD

Attorneys for Complainant
Director of Labor and
Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of) CASE NO. OSAB 2002-33
) Inspection No. 305301186
DIRECTOR, DEPARTMENT OF LABOR)
AND INDUSTRIAL RELATIONS,) STIPULATION AND SETTLEMENT
) AGREEMENT TO WITHDRAW CITATION
Complainant,) AND NOTIFICATION OF PENALTY AND
) NOTICE OF CONTEST; EXHIBIT "A";
DEPARTMENT OF TRANSPORTATION,) APPROVAL AND ORDER
AIRPORTS DIVISION, LIHUE)
AIRPORT, JANITORIAL UNIT,)
)
Respondent.)
)

**STIPULATION AND SETTLEMENT AGREEMENT
TO WITHDRAW CITATION AND NOTIFICATION
OF PENALTY AND NOTICE OF CONTEST**

Complainant Director, Department of Labor and
Industrial Relations ("Director"), and Respondent DEPARTMENT
OF TRANSPORTATION, AIRPORTS DIVISION, LIHUE AIRPORT,
JANITORIAL UNIT ("Respondent"), having reached a full and
complete settlement of the above-captioned contested case
presently pending before the Hawaii Labor Relations Board

"Board") stipulate and agree as follows:

On or about August 14, 2002 to August 15, 2002, the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located at 3901 Mokulele Loop, Lihue, Hawaii 96766.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty ("Citation") to Respondent on September 19, 2002, alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$1,500.00. See Exhibit "A".

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").

In re Director, Department of Labor and Industrial Relations v. Department of Transportation, Airports Division, Lihue Airport, Janitorial Unit, Case No. OSAB 2002-33, Inspection No. 305301186, Stipulation and Settlement Agreement to Withdraw Citation and Notification of Penalty and Notice of Contest

2. At all relevant times, Respondent maintained a workplace at 3901 Mokulele Loop, Lihue, Hawaii 96766.

3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.

4. HIOSH hereby withdraws the Citation issued to Respondent on September 19, 2002 alleging a violation of standard 12-60-2(b)(2)(A)(i) and its corresponding characterization. See Exhibit "A".

5. Respondent hereby withdraws its Notice of Contest.

6. This Stipulation and Agreement to Withdraw Citation and Notification of Penalty and Notice of Contest ("Agreement") shall become a final Order of the Board upon its approval.

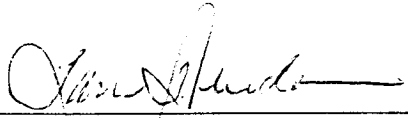
7. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.

**In re Director, Department of Labor and Industrial Relations
v. Department of Transportation, Airports Division, Lihue
Airport, Janitorial Unit, Case No. OSAB 2002-33, Inspection
No. 305301186, Stipulation and Settlement Agreement to
Withdraw Citation and Notification of Penalty and Notice of
Contest**

8. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.

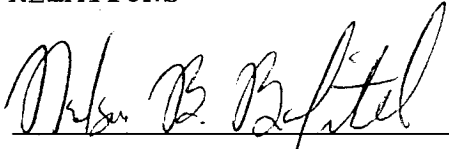
DATED: Honolulu, Hawaii, April 9, 2003.

DEPARTMENT OF TRANSPORTATION,
AIRPORTS DIVISION, LIHUE
AIRPORT, JANITORIAL UNIT



LANE T. ISHIDA
Deputy Attorney General
Attorney for Respondent

DIRECTOR, DEPARTMENT OF
LABOR AND INDUSTRIAL
RELATIONS



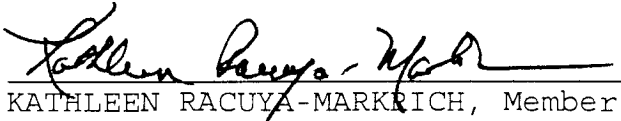
NELSON B. BEFITELE
Director, Department of
Labor and Industrial
Relations

APPROVED AND SO ORDERED BY
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 41



BRIAN K. NAKAMURA, Chairman



KATHLEEN RACUYA-MARKRICH, Member



CHESTER KUNITAKE, Member

In re Director, Department of Labor and Industrial Relations
v. Department of Transportation, Airports Division, Lihue
Airport, Janitorial Unit, Case No. OSAB 2002-33, Inspection
No. 305301186, Stipulation and Settlement Agreement to
Withdraw Citation and Notification of Penalty and Notice of
Contest